UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,807	03/05/2002	Masashi Mitomo	1341.1102CIP	5215

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EXAMINER
REID, CHERYL M

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-65* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☒ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-65 have been examined.

Claim Rejections - 35 USC § 112

2.   The claims are generally narrative and indefinite, failing to conform with current

U.S. practice. They appear to be a literal translation into English from a foreign

document and are replete with grammatical and idiomatic errors. Examiner has great

difficulty comprending the meaning of the claim language, Ex: In Claim 3, applicant

states "... according to a degree to which each of the ...", this is vague and indefinite.

Other examples of vagueness is throughout the 65 claims. Proper correction is

required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fuh.

4.   In regards to Claims 1 and 33, Fuh teaches of a filtering apparatus which is

interposed between a client and a server ....

        a.   an illegal pattern database (ACL list) which stores patterns of illegal

        accesses to the server (Col 9, lines 45-55); a pattern estimation unit which

        estimates legality of each of the access requests based on the illegal access

        patterns stored in the illegal pattern database and on a predetermined pattern

        estimation rule (Col 9, lines 51-55); and a pattern determination unit which

        determines whether each of the access requests is to be transmitted to the

        server based on the estimation by the pattern estimation unit and on a

        predetermined pattern determination rule (Col 9, lines 55-65).

5.   In regards to Claims 2 and 34, Fuh teaches of wherein the pattern estimation unit

estimates that each of the access requests is an illegal access if the access request

corresponds to any one of the illegal access patterns stored in the illegal pattern

database, and estimates that the access request is a legal access if the access request

does not correspond to any one of the illegal access...(Col 9, lines 45-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-15,16-19,26-30,35-47,48-51,58-62,65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuh and further in view of Carter.

6.   In regards to claim 3 and 35 Fuh does not explicitly teach of wherein the pattern estimation unit calculates a predetermined estimation value according....Carter teaches on this aspect (Paragraph [0006] and [0447]. One of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications for the reasons discussed in Carter, Paragraph[0005].

7.   In regards to claim 4 and 36, Fuh teaches about a legal pattern database which stores ... and a predetermination unit which predetermines whether each of the access requests corresponds... (Col 9, lines 59-67). Fuh does not explicitly teach of wherein the pattern estimation unit estimates the legality of only the access request determined not to correspond to any one of the legal access patterns by the predetermination unit. Carter teaches on this aspect Paragraph [0006].   One of ordinary skill in the art at the time of invention would have been motivated to make the above mentioned modifications for the reasons discussed in Carter, Paragraph[0005].

8.   In regards to Claim 5,16 and 37,48 Fuh does not explicitly teach of a external transmission unit which transmits each of the access requests determined not to be transmitted to the server by the pattern determination unit, to a predetermined external device based on a predetermined external transmission rule. Carter implicity teaches on this aspect (Paragraph [0006, lines 17-19). One of ordinary skill in the art at the time

of invention would have been motivated to make the above mentioned modifications for

the reasons discussed in Carter, Paragraph [0005].

9.   In regards to Claim 6,17 and 38,49 Fuh teaches about a storage unit (Fig 4, item

424) which stores each of the access request.....(Col 9, lines 50-55).

10.   In regards to Claim 7, 18-19 and 39,50-51 Fuh does not explicitly teach of a

update unit which updates the illegal... Carter teaches on this aspect (Paragraph

[0228,0253]).   One of ordinary skill in the art at the time of invention would have been

motivated to make the above mentioned modifications for the reasons discussed in

Carter, Paragraph [0005].

11.   In regards to Claim 8, and 40 Fuh teaches about an access request transmission

unit which transmits, as a legal access request, (Col 9, lines 50-65) but but does not

explicitly teach of only the access request determined to be transmitted to the server by

the pattern and statistic determination units, to the server statistically illegal request

database .... from the statistic of the access requests for the server; a statistic

estimation unit ... a statistic determination unit; Carter implicitly teaches on these

aspects. Carter teaches of using statistical analysis to detect anomalous events (Page

58, 2nd Col, Claim 20).   Motivation is same as discussed in Claim 7.

12.   In regards to Claim 9-11 and 41-43 Fuh does not explicitly teach of the

statistically illegal request database stores transmitting end information on the clients

each of which issues access requests.... stores request contents of the access

requests....and determines that the access request estimated as the legal access by

the statistic estimation unit is to be transmitted to the server. Carter teaches on these

aspects (Page 58, 2nd Col, Claim 20, Paragraph [0205,0204,0216]). Motivation is same

as discussed in Claim 7.

13.   In regards to claims 12 and 44 Fuh does not explicitly teach the statistically illegal

request database stores transmitting end information on the clients.... calculates a

predetermined estimation value according to a degree to which the transmitting end...

Carter teaches on these aspects (Paragraph [0204-0205, 0216,0006]).   Motivation is

same as discussed in Claim 7.

14.   In regards to claims 13-15 and 45-47 Fur teaches about estimating the legality of

access request (Col 9, lines 45-60) but does not explicitly teach of statistic

estimation...Carter implicitly teaches on these aspects (Page 58, 2nd Col, Claim 20). It

should be noted that Carter is explicit about detecting anomalous; however it would

have been obvious to one of ordinary skill in the art at the time of invention to extend his

invention so that the statistical analysis can correspond to legal access request as well

based on what is taught by Carter in Paragraph [0183]. Motivation is same as discussed

in Claim 7.

15.   In regards to claims 26-29and 58-61 Fuh does not explicitly teach of an access

request decryption step of decrypting... the access request which has been subjected to

the predetermined encryption processing. Carter teaches on these aspects (Paragraph

[0225-0226]. Motivation is same as discussed in Claim 7.

16.   In regards to claims 30 and 62 Fur implicitly teaches of a pseudo-response

database which stores pseudo-responses corresponding to the patterns of the illegal

accesses to the server...(Fig 7a, item 707, 7b, item 736, Col 11, lines 20-30, Col 13, lines 29-30).

17.   In regards to claim 65, Fur teaches about a computer program containing instructions which when executed on a computer causes the computer to perform a filtering method....(Col 9, lines 50-63, Col 19, Claim 8). Fur does not explicitly teach about a pattern estimation step of referring to an illegal pattern database which stores patterns of illegal accesses to the server, and estimating legality... Carter teaches on these aspects (Paragraph [0272,0412]). Motivation is same as discussed in Claim 7.

        Claims 31-32 and 63 –64 are   rejected under 35 U.S.C. 103(a) as being unpatentable over Fuh as applied to claim1 and 33 above, and further in view of Carter and Cahill (US 6535855).

18.   In regards to claims 31 and 63 Fur does not explicitly teach of decoy unit which receives the access requests each of...Cahill teaches on these aspects (Col 12, lines 50-55, Col 13, lines 20-35). One of ordinary skill in the art at the time of invention would have been motivated to make the above-mentioned modifications for the reasons discussed in Carter (Paragraph [0026]).

19.   In regards to claims 32 and 64 Fur implicitly teaches of a pseudo-response database which stores pseudo-responses corresponding to the patterns of the illegal accesses ... and a pseudo-response transmission unit which transmits the pseudo-responses created by the pseudo-response (Fig 7a, item 707, 7b, item 736, Col 11, lines 20-30, Col 13, lines 29-30). Fur does not explicitly teach of a decoy unit which

receives the access requests which do not correspond to the illegal access patterns

stored in the pseudo-response database... Carter teaches of access request which do

not correspond to the illegal access patterns (Col 9, lines 30-65) and Cahill teaches of a

decoy unit (Col 13, lines 20-25). Motivation is the same as discussed in Claim 7 and

Claim 17.

Claims 20-21 and 52-53 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fuh as applied to claim 1 and 33 above, and further in view of

Kashani.

20.   In regards to Claims 20 – 21 and 52-53 Fuh teaches about a database with

stores patterns of illegal request (ACL, Col 9, lines 35-65) but does not explicitly teach

of illegal responses. Kashani teaches on this aspect (Paragraph [0120]). One of

ordinary skill in the art at the time of invention would be motivated to make the above-

mentioned modifications for the reasons discussed in an analogous art (Birrel,

Paragraph [0004]).

Claims 22-25 and 54-57 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fuh as applied to claims 1 and 33 above, and further in view of

Carter and Kashani.

21.   In regards to claims 22-25 and 54-57 Fur does not explicitly teach about illegal

response database..... threshold value....external transmission unit....storage of

response that is not transmitted....and update unit.....Carter teaches on threshold value

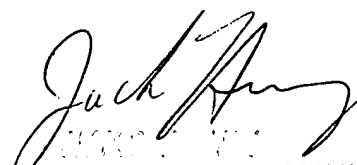(Paragraph[0006,0218]....external transmission unit(Paragraph[0006]....storage of

information that is not transmitted(Paragraph[0006]) that is not transmitted....and

update unit (Paragraph[0253]) but does not explicitly teach about illegal responses.

Kashani teaches on this aspect (Paragraph [0120]). Motivation is the same as

discussed in Claim 7 and Claim 20.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cheryl M. Reid whose telephone number is 571 272

3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jack Harvey can be reached on (571)272-3896. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

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